

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Ashton et al. v. al Qaeda Islamic Army, et al.</i> , 02-cv-6977 (GBD)(SN) and (member case <i>Burlingame v. Bin Laden, et al.</i> , 02-cv-7230 (GBD)(SN))	02-cv-6977 (GBD)(SN) and 02-cv-7230 (GBD)(SN) ECF Case

FRANK H. GRANITO, III, Esq., hereby states under penalty of perjury that:

1. I am a member of Speiser Krause, PC and an attorney representing the *Burlingame* subset of *Ashton* Plaintiffs identified on Exhibit A attached hereto (the “*Burlingame VIII*” Plaintiffs), who are the subject of this motion for partial final judgment in the above-captioned litigation. I submit this Declaration in support of this motion for final judgment on behalf of only the individual Plaintiffs identified in Exhibit A, and request permission to allow any remaining *Burlingame* plaintiffs to move for the similar relief in separate stages.

2. The sources of information and the basis for belief in the statements contained herein are my representation of the *Burlingame VIII* Plaintiffs in connection with the September 11th terror attacks, my firm’s files, conversations with family members of these Plaintiffs, as well as other court records relating to the multi-district litigation to which the *Burlingame VIII* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. Claims brought on behalf of the decedents listed in Exhibit A were part of the original *Burlingame* complaint, styled *Burlingame, et al. v. Bin Laden, et al.*, filed on September 10, 2002, and bearing civil action number 02-cv-7230, subsequently ordered consolidated into the master complaint bearing the caption *Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977

(GBD)(SN). Since these plaintiffs remain segregated in the consolidated *Ashton* filings under their original civil action number and thus can easily be identified, plaintiffs appearing under the *Burlingame* civil action number 02-cv-7230 within the consolidated *Ashton* complaint are being collectively referred to as “*Burlingame* plaintiffs.”

4. All of the decedents listed in Exhibit A died in the September 11th terrorist attacks and are survived by the family members whose relationships to the decedents are described in Exhibit A. The claims listed in Exhibit A reflect individuals whose relationships to their decedents fall into one of the four categories presumptively entitled to solatium damages under this Court’s prior decisions, to wit, spouse, children, parents and siblings of those killed in the attacks.

5. We have been retained individually by the plaintiffs listed in Exhibit A to pursue recovery for their solatium losses arising out of the deaths of their loved ones on September 11, 2001. We have verified via written documentation and/or interviews that all of the plaintiffs listed in Exhibit A survived their decedents and have not recovered for their solatium damages previously. We have further confirmed that they do not have any prior judgment or pending motion before this Court for compensation arising out of the September 11th attacks.

6. In prior orders, the Court has established the loss amounts for solatium damages based on presumptive familial relationships to the decedent. *See, e.g.*, 03-md-1570 (02-cv-6977) (S.D.N.Y.)(GDB)(FM), Doc. No. 2623, entered 10/03/12, pp. 4-5; 03-md-1570 (S.D.N.Y.)(GBD)(FM), Doc. No. 3300, Filed 06/16/2016, p. 1. The Court has awarded these amounts for solatium damages to seven prior groups of *Burlingame* plaintiffs. *See* 03-md-1570 (02-cv-7230) (GBD)(SN), Doc. No. 3987 (“*Burlingame I*”), Entered 04/30/2018, Doc. No. 4011 (“*Burlingame II*”), Entered 05/29/2018, Doc. No. 4087 (“*Burlingame III*”), Entered 08/07/2018 Doc. No. 4156 (“*Burlingame IV*”), Entered 09/12/2018, Doc. No. 4707 (“*Burlingame V*”), Entered

07/29/19, Doc. No. 5058 (“Burlingame VI”), Entered 09/03/2019. The solatium amounts set forth in Exhibit A are the figures determined appropriate in the Court’s prior orders.

7. Previously, in connection with a motion for final judgment on behalf of other *Ashton* claimants, this Court asked that to expedite issuance of final judgments, they defer decision as to the appropriate quantum of punitive damages and present a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. *See* 03-md-1570 (S.D.N.Y.) (GBD)(SN), Doc. No. 3362, Entered 10/14/2016. The form of the proposed order submitted herewith therefore conforms to the Court’s prior orders.

8. Accordingly, I respectfully request that this Court grant the proposed order submitted herewith in favor of the *Burlingame VIII* Plaintiffs.

Dated: December 20, 2019
Rye Brook, New York

/s/ Frank H. Granito
Frank H. Granito, III, Esq. (FG9760)
Speiser Krause, PC
800 Westchester Avenue, Suite S-608
Rye Brook, New York 10573
Tel: (914) 220-5333
Fax: (914) 220-5334
f3g@speiskrause.com